

3731

PATENT  
 Attorney Docket No. 101.0056-02000  
 Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



#5

In re Application of:

Gary K. Michelson

Serial No.: 09/618,037

Filed: July 17, 2000

For: ANTERIOR CERVICAL PLATING  
SYSTEM, INSTRUMENTATION, AND  
METHOD OF INSTALLATION

Group Art Unit: 3731

Examiner: D. Reip

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: August 23, 2001

I hereby certify that:

1. Second Supplemental Information Disclosure Statement Under 37 C.F.R.  
§ 1.97(b)
2. Form PTO-1449
3. Nine documents and an English language abstract
4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Date: August 23, 2001

Sandra L. Blackmon

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#5  
Arrived  
8/23/01

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Further to the Information Disclosure Statements filed July 17, 2000 and April 18, 2001 and pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English language abstract and the U.S. equivalent of the non-English documents and copies of the English language versions of search reports from the

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European Patent Office in a corresponding application citing these documents and setting forth the relevance thereof is enclosed.

Applicant wishes to bring to the Examiner's attention copending Application No. 09/669,912 filed September 26, 2000.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 23, 2001

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